

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Phatak et al.

Serial No.: 09/823,839

Filed: March 30, 2001

Title: Multi-Step High Density Plasma
(HDP) Process to Obtain Uniformly
Doped Insulating Film

Attorney Docket No.: CY-0019

Group Art Unit: 2822

Examiner: Guerrero, Maria F.

4/Election
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Audele

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is submitted in response to the Office Action dated June 6, 2002, and is currently due July 8, 2002.

REMARKSProvisional Election with Traverse

In response to the restriction requirement set forth in the Office Action dated June 6, 2002, the claims of Group I (claims 1-19) are provisionally elected with traverse.

Restriction is proper only when (1) the restricted inventions are independent or patentably distinct, and (2) when there is a serious burden on the Examiner (MPEP 803). The burden is on the Examiner to provide reasons and/or examples in support of restriction (MPEP 803). Further, requirements to restrict should have two aspects: (1) the reasons why the inventions are independent/distinct, and (2) reasons for insisting upon restriction (MPEP 808).

37 C.F.R. 61.8

I hereby certify that this correspondence is being

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As is well known, distinctness may be established between a process of making and a product made if it can be shown that the product claimed can be made by a materially different process.

The necessary burden for restriction has not been met in this case as the process relied upon in the rejection is not materially different than Applicants' claimed processes.

The process relied upon in the rejection is set forth below.

The dopant can be implanted in the insulating layer.

Applicants' independent process claims 1 and 11 both recite varying a dopant supply rate for a doped insulating layer or insulating film. There is no explicit limitation on how a supply rate of a dopant is varied. Thus, claims 1 and 11 could encompass varying a dopant supply rate by changing ion implantation variables. To argue otherwise would not afford Applicants' the broadest reasonable interpretation of claim 1.

Accordingly, because the process relied upon in the restriction requirement is not materially different than Applicants' independent process claims, this requirement for restriction is traversed.

It is believed that the requirements for restriction have been traversed and the application may now be examined on the merits. Such action is respectfully requested.

Respectfully Submitted,

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7/8/02
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